

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

MLK MARLTON, LLC, ) Case No. CV 15-9519-JAK (PJWx)  
)  
Plaintiff, ) ORDER REMANDING IMPROPERLY REMOVED  
) ACTION TO LOS ANGELES COUNTY  
) SUPERIOR COURT  
v. ) JS-6  
ARTHUR DOYLE, ET AL., )  
)  
Defendants. )  
\_\_\_\_\_  
)

Before the Court is an unlawful detainer action that Defendant Arthur Doyle removed from the Los Angeles Superior Court. For the following reasons, the application is granted and the case is remanded to the Superior Court.

In September 2015, Plaintiff filed an unlawful detainer action in the Los Angeles Superior Court at its Santa Monica Courthouse, claiming that Defendant's fixed-term lease had expired. On December 9, 2015, Defendant removed the action to this Court, arguing that there was federal question jurisdiction because the action turns on questions of federal law.

In general, federal district courts lack subject matter jurisdiction over unlawful detainer actions like this one because they

1 are grounded in state, not federal law. This does not change simply  
2 because a defendant raises a federal question as an affirmative  
3 defense or counterclaim. See *Vaden v. Discover Bank*, 556 U.S. 49, 60  
4 (2009) ("Federal jurisdiction cannot be predicated on an actual or  
5 anticipated defense . . . [or] rest upon an actual or anticipated  
6 counterclaim."). Further, it is clear from the face of the Complaint  
7 that there is no diversity jurisdiction under 28 U.S.C. § 1332  
8 because, even if Defendant could establish diversity, the amount in  
9 controversy is less than \$10,000. As a result, Defendant's removal of  
10 the action was improper and the case is remanded to the Superior Court  
11 for further proceedings. See 28 U.S.C. § 1441(a); see also *Gaus v.*  
12 *Miles, Inc.*, 980 F.2d 564, 567 (9th Cir. 1992).

13 Plaintiff's request for attorney's fees in the amount of \$1,600  
14 is granted in part. See 28 U.S.C. § 1447(c) ("An order remanding the  
15 case may require payment of just costs and actual expenses, including  
16 attorney's fees, incurred as a result of the removal."). The amount of  
17 fees requested is reduced to \$500 to reflect what is deemed a  
18 reasonable amount of fees necessary to respond to what is a meritless  
19 removal. Defendant is ordered to pay the fees no later than January  
20 29, 2016.

21 Accordingly, IT IS ORDERED that (1) pursuant to 28 U.S.C.  
22 § 1447(c), this case is REMANDED to the Los Angeles Superior Court, at  
23 its Santa Monica Courthouse, which is located at 1725 Main Street,  
24 Santa Monica, CA; (2) the clerk shall send a

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1 certified copy of this Order to the Superior Court; (3) the clerk  
2 shall serve copies of the Order on the parties; and (4) no later than  
3 January 29, 2016, Defendant shall pay to Plaintiff \$500 as  
4 reimbursement for costs and attorney's fees. This Court retains  
5 jurisdiction to enforce the order awarding attorney's fees.

6 IT IS SO ORDERED.

7 DATED: January 7, 2016



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8 JOHN A. KRONSTADT  
9 UNITED STATES DISTRICT JUDGE

10 Presented by:

11 \_\_\_\_\_/s/\_\_\_\_\_  
12 PATRICK J. WALSH  
13 UNITED STATES MAGISTRATE JUDGE

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